



**The State of New Hampshire
Insurance Department**

21 South Fruit Street, Suite 14
Concord, NH 03301

Roger A. Sevigny
Commissioner

Alexander K. Feldvebel
Deputy Commissioner

BULLETIN

Docket No.: INS No. 08-062-AB

TO: All New Hampshire Licensed Health Insurance Companies, Health Maintenance Organizations, Fraternal Benefit Societies and Third Party Administrators

FROM: Roger A. Sevigny

A handwritten signature in black ink, appearing to read "RAS", positioned above the "FROM:" field.

DATE: September 16, 2008

RE: Cold Lead Advertising

This bulletin is issued to clarify the standards that the department will apply to determine whether a Medicare supplemental or long-term care marketing solicitation complies with the department's rules. The department's rules generally prohibit cold lead advertising. Ins. 1905.19 (b)(3) and Ins. 3601.22 (b) (3) define cold lead advertising as "any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company."

Over the past year, the department has experienced an increase in the number of consumer complaints concerning marketing methods that do not clearly communicate that the marketing materials are sent to solicit insurance and that follow-up contact will be made by an insurance agent or company. This bulletin will clarify the standards that the department will apply in reviewing marketing materials and advertising for compliance with the department's rules.

The department's rules require that the carrier disclose in a conspicuous manner that the purpose of the marketing materials is the solicitation of insurance and that contact will be made by an insurance agent or insurance company. In reviewing marketing materials for Medicare supplemental and long term care products, the department will require that the text of the marketing materials include the following language in the first portion of the advertisement: "The purpose of this communication is the solicitation of insurance. Contact will be made by an insurance agent or insurance company." Marketing materials that do not include this language prominently, and in the first portion of the text of the advertisement will not be approved and their use will be considered by the department to violate the prohibition against cold lead advertising set forth in Ins. 1905.19 (b)(3).